

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed Oct. 19, 2005. At the time of the Office Action, Claims 1-37 were pending in this patent application. The Examiner rejected Claims 1-11, 16-23, 28-32 and 35-37. The Examiner objected to Claims 12-15, 24-27, 33 and 34. Of these, Claims 1, 16 and 31 are independent. Applicants respectfully request reconsideration and favorable action in this case.

Allowed Claims

Applicants thank the Examiner for the allowance of Claims 12-15 and 24-27 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants again respectfully defer rewriting of these claims until the Examiner has considered Applicants arguments herein.

35 U.S.C. §102 Rejection

Claims 1-10, 16, 31-32 and 35 stand rejected under 35 USC 102(e) over Eryurek (U.S. Pat. No. 6,594,603) ("Eryurek II"). Of these, Claims 1, 16 and 31 are independent. Applicants respectfully traverse this rejection, and the assertions and determinations therein, for at least the following reasons.

Claim 1 recites, in part, "a safety device coupled to each of the first and second transmission paths, wherein the safety device includes a control unit adapted to detect a fault condition associated with the communication bus, and wherein the safety device further includes a switch unit adapted to interrupt the flow of electrical signals along each of the first and second transmission paths in response to the detected fault condition." A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP 2131. Eryurek II generally involves using a resistive element of a process device to detect degradation of that resistive element. Eryurek II, Abstract. The Office Action relies on the comment by Eryurek II that circuitry 28 may be "configured to comply

with intrinsic safety requirements". Eryurek II, col. 6, lines 12-15. Applicants respectfully submit that configuring circuitry to meet a particular safety requirement does not teach or suggest a "safety device coupled to each of the first and second transmission paths" because it is the circuitry itself which is configured to meet the safety requirement, not a "safety device coupled" to that circuitry. Further, the mere mention of an intrinsic safety requirement does not teach or suggest anything about "a safety device coupled" to something else because intrinsically safe circuitry is "safe" due to the circuitry's intrinsic properties, such as only using a limited amount of current to prevent an explosion in an explosive atmosphere, and do not involve a "device" coupled to the intrinsically safe circuitry. See Office Action, p. 2; Eryurek II, col. 6, lines 13-16.

Further, Claim 1 recites, in part, "a switch unit adapted to interrupt the flow of electrical signals along each of the first and second transmission paths in response to the detected fault condition." The Office Action relies on a discussion in Eryurek II regarding performing remote diagnostic functions with respect to these elements of Claim 1. See Office Action, p. 2; Eryurek II, col. 8, line 65 – col. 9, line 6.

Applicants respectfully submit that remote diagnostics are completely unrelated to "a switch unit adapted to interrupt the flow of electrical signals along each of the first and second transmission paths in response to the detected fault condition" because no switch unit is discussed and no ability to interrupt the flow of signals along two transmission paths in response to a detected fault condition is mentioned in any manner.

Thus, Eryurek II does not teach or suggest every element of Claim 1 and Claim 1 is patentable over the cited reference. Therefore, Applicants respectfully request allowance of Claim 1.

Independent Claims 16 and 31 are patentable over the cited reference for reasons analogous to those presented above in association with Claim 1. Therefore, Applicants respectfully request allowance of independent Claims 16 and 31.

Dependent Claims 2-15 depend from independent Claim 1, dependent Claims 17-30 depend from independent Claim 16, and dependent Claims 32-37 depend from independent Claim 31. Independent Claims 1, 16 and 31 have been shown above to be allowable. Thus, dependent Claims 2-15, 17-30 and 32-37 are patentable as depending from an allowable base claim and as including further distinctions over the

cited reference. Therefore, Applicants respectfully request allowance of dependent Claims 2-15, 17-30 and 32-37.

35 U.S.C. §103 Rejections

Claims 11, 17-23, 28-30, 33-34 and 36-37 stand rejected under 35 USC 103(a) over Eryurek II and in view of Christensen et. al. (U.S. Pat. No. 6,912,671) (“Christensen”). All of these claims are dependent claims. Applicants respectfully traverse this rejection, and the assertions and determinations therein, for at least the following reasons.

Claims 11, 17-23, 28-30, 33-34 and 36-37 are all dependent claims of independent Claims 1, 16 or 31. Independent Claims 1, 16 and 31 have been shown above to be allowable over Eryurek II and the Office Action does not rely upon Christensen with respect to the elements of independent Claims 1, 16 and 31, nor does Christensen teach or suggest the elements of independent Claims 1, 16 and 31. Thus, Claims 11, 17-23, 28-30, 33-34 and 36-37 are patentable as depending from an allowable base claim and as including further distinctions over the cited reference. Therefore, Applicants respectfully request allowance of dependent Claims 11, 17-23, 28-30, 33-34 and 36-37.

Conclusion

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and allowance of Claims 1-37.

Although Applicants believe that no other fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, Applicants request that the Commissioner consider this paper to be a request for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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